

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

DARRYL SCOTT SUSEWITT
Defendant.

*
*
*
*
*

CR. NO. 03-10012-T

FILED BY *[Signature]* D.C.
05 MAY 16 AM 11:20

ROBERT R. DI TROLIO
CLERK OF U.S. DIST. CT.
W.D. OF TN-JACKSON

MOTION TO CONTINUE HEARING ON RE-SENTENCING

Comes now the Defendant by and through counsel and Moves this Honorable Court that the hearing in this matter presently set for Tuesday, May 17, 2005 at 8:45 a.m. be continued. In support of this motion Defendant would state:

1. Defendant is in custody at the Federal Correctional Institute in Memphis, Tennessee. Defense counsel met with Defendant on Friday, May 13, 2005 and reviewed the ruling from the Court of Appeals and also the earlier documents in this case. Defendant is in agreement for the hearing to be continued for the grounds set forth below.

2. Defendant will be filing additional objections to the recommendations of the original pre sentence report based upon changes in sentencing law since Defendant's original sentencing. It is anticipated that the U.S. Probation Office and the United States Attorney may need additional time to respond to such objections.

3. Defense counsel will be out of the office the entire week of May 31st through June 3, 2005 for attendance at a seminar.

4. Defense counsel has consulted with government counsel and there is no objection to the relief requested.

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCrP on 5/17/05

MOTION GRANTED
DATE: 16 May 2005

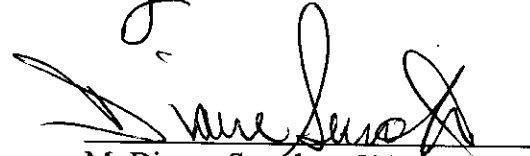
[Signature]
James D. Todd
U.S. District Judge

FILED BY *[Signature]* D.C.
05 MAY 17 PM 12:17

43

Premises considered, Defendant moves that the re-sentencing be rescheduled for the grounds set forth above. Defendant further respectfully requests that the matter be set for hearing the week of June 6, 2005 or thereafter.

Respectfully submitted, this the 16 day of May, 2005.



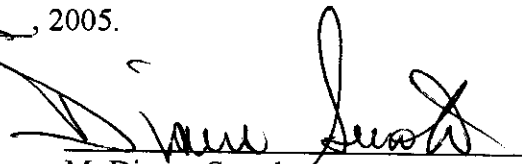
M. Dianne Smothers [011874]
Assistant Federal Defender
109 S. Highland Ave., Rm. B-8
Jackson, TN 38301
Phone: (731)427-2556

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing was served upon all interested parties by either hand delivery or by mailing same, postage prepaid to the following:

Mr. James Powell
Assistant United States Attorney
109 South Highland, Suite 300
Jackson, Tennessee, 38301

This the 16 day of May, 2005.



M. Dianne Smothers



Notice of Distribution

This notice confirms a copy of the document docketed as number 43 in case 1:03-CR-10012 was distributed by fax, mail, or direct printing on May 17, 2005 to the parties listed.

M. Dianne Smothers
FEDERAL PUBLIC DEFENDER
109 S. Highland Ave.
Ste. B-8
Jackson, TN 38301

James W. Powell
U.S. ATTORNEY'S OFFICE
109 S. Highland Ave.
Ste. 300
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT